

Water Right Abandonment (“Use it or Lose it”) Abolished in Closed Areas

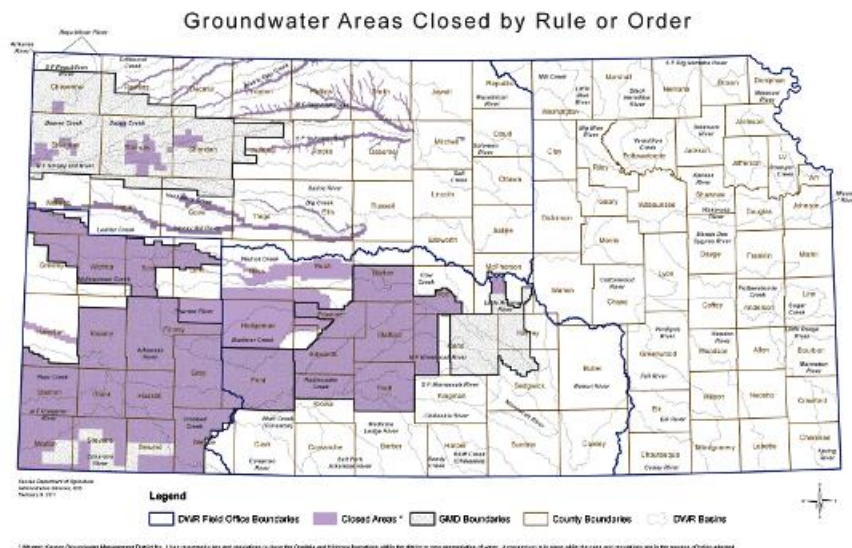
In Kansas, a water right can be considered abandoned when there are five consecutive years of nonuse without due and sufficient cause. See the [Water Right Abandonment fact sheet](#) for information. The prospect of losing a water right through non-use has long been a concern to many water right holders.

To address this concern, the 2012 Legislature changed the state’s water right abandonment statute. This change was part of a series of water law changes designed to conserve the state’s water supply and extend the life of the Ogallala Aquifer.

House Bill 2451, signed by Governor Brownback in Garden City in March 2011, amended a section of law dealing with the abandonment of water rights, eliminating the requirement that groundwater right owners in areas declared closed to further appropriation be required use their water right to avoid forfeiting it through abandonment.

Closed Areas

The new law applies to areas closed to new groundwater appropriations by rule or order of the Chief Engineer, shown in purple below. The previous abandonment statute still applies to water rights outside these areas.



Conclusion

Under the new law, groundwater rights in closed areas are considered to have due and sufficient cause for nonuse and therefore are not be subject to forfeiture because of abandonment. The change allows water right holders in those areas to conserve water without the fear of losing their water rights.